

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1717 OF 2007
IN
FIRST APPEAL NO. 395 OF 1989
WITH
CIVIL APPLICATION NO. 1718 OF 2007
IN
FIRST APPEAL NO. 379 OF 1993
WITH
CIVIL APPLICATION NO. 1719 OF 2007
IN
FIRST APPEAL NO. 515 OF 1990
WITH
CIVIL APPLICATION NO. 1720 OF 2007
IN
FIRST APPEAL NO. 823 OF 1990

Hira Mahadu Mhatre & Ors. .. Petitioners

vs.

State of Maharashtra. .. Respondent .

Mr. Sachin S. Pune for petitioners.

..

Coram: J.N. PATEL &
A.A. SAYED, JJ.

P.C.

. In view of the judgment of the Supreme Court in the case of Patel Joitaram Kalidas and others vs. Special Land Acquisition Officer and another, reported in (2007) 2 SCC 341, we are of the view that the claimants are entitled for interest on the amount payable by way of additional amount which has not been granted to the claimants for want of a clear decision on the issue and as the same was referred to the Supreme Court. It is only after the Supreme Court took the view that the claimants is entitled for such interest irrespective of the fact whether the claimant has claimed it or not that these applications were filed.

2. It is contended by the applicants/claimants that as it is a statutory right vested in the applicants to claim interest, there is no question of any application being made within a particular period and that the applicants have moved this Court pursuant to the liberty granted by this Court within reasonable time.

3. The learned AGP submits that such a request cannot be entertained after the lapse of six years as the matter was decided in 2001 and the applications

have been filed in 2007. We find that this cannot be a hurdle in the way of the applicants to claim interest. Therefore, the applications are allowed. The respondent is directed to calculate the interest on the additional amount as provided in Section 23 (1-A) of the Land Acquisition Act, 1894 within a period of six weeks from the date of communication of the order to the Special Land Acquisition Officer and the same be paid to the applicants/claimants. The applicants to communicate the order to the Special Land Acquisition Officer. Certified copy expedited.

(J.N. Patel, J.)

(A.A. Sayed, J.)